

or construction work) shall not be deemed to constitute purely local employment or labor for hire if the alien is otherwise qualified as a B-1 nonimmigrant. An alien seeking to enter as a nonimmigrant for employment or labor pursuant to a contract or other prearrangement is required to qualify under the provisions of § 41.53. An alien of distinguished merit and ability seeking to enter the United States temporarily with the idea of performing temporary services of an exceptional nature requiring such merit and ability, but having no contract or other prearranged employment, may be classified as a nonimmigrant temporary visitor for business.

(2) The term *pleasure*, as used in INA 101(a)(15)(B), refers to legitimate activities of a recreational character, including tourism, amusement, visits with friends or relatives, rest, medical treatment, and activities of a fraternal, social, or service nature.

[52 FR 42597, Nov. 5, 1987; 53 FR 9172, Mar. 21, 1988]

§ 41.32 Nonresident alien Mexican border crossing identification cards; combined border crossing identification cards and B-1/B-2 visitor visa.

(a) *Border crossing identification cards (BCC)*—(1) *Posts authorized to issue.* Consular officers assigned to consular offices in Ciudad Juarez, Hermosillo, Nuevo Laredo, Matamoros, and Tijuana may issue a nonresident alien border crossing identification card (BCC), as that term is defined in INA 101(a)(6), to a nonimmigrant alien who:

- (i) Is a citizen and resident of Mexico; and
- (ii) Is a temporary visitor who, if applying for a B-1 or B-2 visitor visa for business or pleasure, would be eligible to receive such visa.

(2) *Procedures for application.* A citizen of Mexico shall apply for a BCC on Form OF-156, Nonimmigrant Visa Application. The application shall be supported by:

- (i) Evidence of Mexican citizenship and residence;
- (ii) A valid or expired Mexican Federal passport or a valid Mexican identity document (Form FM13); and

- (iii) One photograph (1-1/2-inches square), if the alien is 16 years of age or older. Each applicant shall appear in person before a consular officer and be interviewed regarding eligibility for a temporary visitor visa, unless personal appearance is waived by the officer.

(3) *Issuance and format.* A Mexican BCC shall consist of a stamp placed in the alien's valid or expired Mexican Federal passport or valid Mexican identity document by a consular officer stationed at one of the posts designated in paragraph (a)(1) of this section. The stamps shall be numbered serially by each consular office beginning with the number "1" on October 1 of each year. They must be in the format prescribed by the Department and contain the following data:

- (i) Post symbol;
- (ii) Number of the card;
- (iii) Title and location of the issuing office;
- (iv) Date of issuance;
- (v) Name(s) of the person(s) to whom issued; and
- (vi) Signature and title of the issuing officer.

(b) *Combined border crossing identification cards and B-1/B-2 visitor visas (B-1/B-2—BCC)*—(1) *Posts authorized to issue.* Consular officers assigned to any consular office in Mexico may issue a nonresident alien border crossing identification card, as that term is defined in INA 101(a)(6), in combination with a B-1/B-2 nonimmigrant visitor visas (B-1/B-2—BCC), to a nonimmigrant alien who:

- (i) Is a citizen of Mexico;
- (ii) Seeks to enter the United States as a temporary visitor for business or pleasure as defined in INA 101(a)(15)(B) for periods of stay not exceeding 6 months; and

- (iii) Is otherwise eligible to receive a B-1 or B-2 temporary visitor visa or is the beneficiary of a waiver under INA 212(d)(3)(A) of a ground of ineligibility, which is valid for multiple applications for admission into the United States and for an indefinite period of time and which contains no restrictions as to extensions of temporary stay or itinerary.

(2) *Procedure for application.* Application for a B-1/B-2—BCC may be made by a Mexican applicant at any U.S. consular office in Mexico on Form OF-

156. The application shall be supported by:

- (i) Evidence of Mexican citizenship and residence;
- (ii) A valid Mexican Federal passport; and
- (iii) One photograph (1-½-inches square), if 16 years of age or older.

Each applicant shall appear in person before a consular officer to be interviewed regarding eligibility for a visitor visa, unless personal appearance is waived by the consular officer.

(3) *Issuance and format.* A Mexican B-1/B-2—BCC shall consist of a numbered stamp placed in the alien's valid Mexican Federal passport by a consular officer in Mexico. The stamps shall be numbered serially by each consular office beginning with the number "1" on October 1 of each year. They must be in the format prescribed by the Department and contain the following data:

- (i) Post symbol;
- (ii) Number of the card;
- (iii) Title and location of the issuing office;
- (iv) Date of issuance;
- (v) Indicia "Mexican Border Crossing Identification Card and B-1/B-2 Non-immigrant Visa";
- (vi) Name(s) of the person(s) to whom issued;
- (vii) Caption "Valid indefinitely for multiple applications for admission to the United States as a temporary visitor for business or pleasure" in the middle portion of the stamp; and
- (viii) Signature and title of the issuing officer.

(c) *Validity.* A Mexican BCC or B-1/B-2—BCC, issued pursuant to the provisions of this section, is valid until revoked. A BCC previously issued by a consular officer in Mexico on Form I-186, Nonresident Alien Mexican Border Crossing Card, or Form I-586, Nonresident Alien Border Crossing Card, is valid until revoked or voided, regardless of any expiration date on the card.

(d) *Revocation.* A Mexican BCC or B-1/B-2—BCC may be revoked under the provisions of § 41.122. Upon revocation, the consular or immigration officer shall cancel the card by writing or stamping the word "Canceled" plainly across the face of the card stamp and shall indicate the location of the con-

sular or immigration office where the card was revoked.

(e) *Voidance of Mexican border crossing cards issued in Mexico on form I-186 or form I-586.* A consular officer in Mexico may declare void, without notice, a BCC previously issued in Mexico on Form I-186 or Form I-586, upon a finding that the holder is ineligible to receive a nonimmigrant visas. The card must be surrendered immediately upon voidance.

(f) *Replacement.* When a Mexican BCC or B-1/B-2—BCC issued under the provisions of this section has been lost, mutilated, or destroyed, the person to whom such card was issued may apply for a new card as provided in this section. A nonresident alien whose BCC previously issued on Form I-186 or Form I-586 by a consular officer in Mexico, has been lost, mutilated, or destroyed, may apply for a B-1/B-2—BCC at any consular office in Mexico, provided the alien qualifies under paragraph (b) of this section.

[52 FR 42597, Nov. 5, 1987; 53 FR 9111, Mar. 21, 1988]

§ 41.33 Nonresident alien Canadian border crossing identification card (BCC).

(a) *Aliens eligible to apply.* A consular officer assigned to a consular office in Canada may issue a nonresident alien border crossing identification card (BCC), as that term is defined in INA 101(a)(6), to a nonimmigration alien who:

(1) Has been admitted to Canada for permanent residence as a landed immigrant;

(2) Seeks to enter the United States from Canada, or will seek to enter the United States from Mexico and will not have visited any countries other than Mexico and the United States since departing Canada, only as a temporary visitor for business or pleasure as defined in INA 101(a)(15)(B) for periods of stay not exceeding 6 months; and

(3) Is otherwise eligible to receive a temporary visitor visa or is the beneficiary of a waiver under INA 212(d)(3)(A) of a ground of ineligibility, which is valid for multiple applications for admission into the United States and for an indefinite period of time and